

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-20125  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LARRY A. GRAVES,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. CR-H-95-243-1  
- - - - -

October 23, 1996

Before POLITZ, Chief Judge, and JOLLY and HIGGINBOTHAM, Circuit Judges.

PER CURIAM:\*

Larry Graves appeals from the district court's denial of his motion to reinstate his appeal from the dismissal of his appeal from the magistrate judge's ruling finding him guilty of resisting arrest and parking violations on federal property. The Government has filed in this court a motion to dismiss Graves' appeal.

In his two-page brief on appeal, Graves argues only the

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

sufficiency of the evidence that the Government presented at his trial before the magistrate judge. The magistrate judge's ruling is not a final judgment from a district court necessary to invoke this court's jurisdiction under 28 U.S.C. § 1291. As Graves provides no argument on the only appealable issue, whether the district court erred by denying Graves' motion to reinstate his appeal from the magistrate judge's ruling, the issue is deemed abandoned. See Yohey v. Collins, 985 F.2d 222, 225 (5th Cir. 1993). With no appealable issue before the court, the Government's motion is GRANTED and Graves' appeal is DISMISSED.

APPEAL DISMISSED.